

Message Text

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43

ACTION L-02

INFO OCT-01 ISO-00 SCA-01 JUSE-00 EUR-12 SAM-01 SS-15

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P 151650Z NOV 74

FM AMEMBASSY MADRID

TO SECSTATE WASHDC PRIORITY 447

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E.O. 11652: N/A

TAGS:CGEN, SP

SUBJ: SUPPLEMENTAL EXTRADITION TREATY WITH SPAIN

REF: (A) A-4983 OF MAY 17, 1972; (B) STATE 235533,
NOV 30, 1973; (C) MADRID 3024, MAY 16, 1974

1. MFA INFORMED EMBASSY NOV 11 VIA NOTE VERBALE THAT COUNCIL OF MINISTERS HAD APPROVED SIGNING OF SUPPLEMENTAL EXTRADITION TREATY WHICH EMBASSY HAD FORWARDED TO MFA MAY 16, 1974, (REF C). MFA HAS ASKED EMBASSY TO COMPARE TEXT AND TO INDICATE WHEN TREATY COULD BE SIGNED BY AUTHORIZED PLENIPOTENTIARIES.

2. EMBASSY HAS COMPARED APPROVED SPANISH TEXT TRANSMITTED IN MFA'S NOTE VERBALE AND FINDS THAT IT IS IDENTICAL TO TEXT TRANSMITTED BY EMBASSY IN ITS NOTE VERBALE DATED MAY 16 EXCEPT FOR THE REVERSAL OF THE ORDER OF HEADS OF STATE AND PLENIPOTENTIARIES IN ACCORDANCE WITH INTERNATIONAL CUSTOM. THE MFA TEXT ALSO NAMES FONMIN CORTINA AND AMBASSADOR RIVERO AS PLENIPOTENTIARIES. THE ENGLISH TEXT, WHICH ALSO SENT TO THE MFA CORRESPONDS TO THE BASIC TEXT TRANSMITTED BY THE DEPARTMENT (REF A) AND SUBSEQUENT CHANGES IN COURSE OF NEGOTIATIONS WITH SPANIARDS (REF B). IN EMBASSY'S VIEW THERE IS NO PROBLEM, THEREFORE, IN THE COMPARISON OF THE ENGLISH AND SPANISH TEXTS AND THE TREATY

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IS READY FOR SIGNING. IT IS REQUESTED THAT THE DEPART-

MENT AUTHORIZE THE AMBASSADOR TO SIGN THIS TREATY AT THE EARLIEST POSSIBLE OPPORTUNITY AND THAT HE BE PROVIDED WITH THE REQUISITE PLENIPOTENTIARY POWER.

3. TO EXPEDITE THE PROCESSING OF APPROVAL TO SIGN THE EMBASSY TRANSMITS BELOW THE TEXTS IN ENGLISH AND SPANISH WHICH WERE SENT TO THE FOREIGN MINISTRY FOR APPROVAL AND WHICH, APART FROM THE REVERSAL OF THE ORDER OF CHIEFS OF STATE AND THE NAMES OF PLENIPOTENTIARIES, ARE IDENTICAL TO THE TEXT FORWARDED BY THE FOREIGN MINISTRY IN ITS NOTE OF NOVEMBER 11.

4. ENGLISH TEXT BEGINS.

SUPPLEMENTARY TREATY ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND SPAIN

THE PRESIDENT OF THE UNITED STATES OF AMERICA AND THE CHIEF OF THE STATE OF SPAIN, DESIRING TO MAKE MORE EFFECTIVE THE COOPERATION OF THE TWO COUNTRIES IN THE REPRESSION OF CRIME THROUGH THE RENDERING OF MAXIMUM ASSISTANCE IN MATTERS OF EXTRADITION HAVE DECIDED TO CONCLUDE A SUPPLEMENTARY TREATY ON EXTRADITION TO AMEND THE TREATY OF EXTRADITION SIGNED AT MADRID ON MAY 29, 1970, HEREINAFTER REFERRED TO AS THE 1970 TREATY, AND TO THIS END HAVE NAMED AS THEIR REPRESENTATIVES:

THE PRESIDENT OF THE UNITED STATES OF AMERICA, THE HONORABLE.....

THE CHIEF OF STATE OF SPAIN, HIS EXCELLENCY SENOR

WHO HAVE AGREED AS FOLLOWS:

ARTICLE I

PARA D OF ARTICLE XI OF THE 1970 TREATY IS REVISED AS FOLLOWS: " A PERSON ARRESTED UPON SUCH AN APPLICATION SHALL BE SET AT LIBERTY UPON THE EXPIRATION OF 45 DAYS FROM THE DATE WHEN THE EMBASSY OF THE COUNTRY SEEKING EXTRADITION IS INFORMED THROUGH DIPLOMATIC CHANNELS OF THE FACT OF THIS ARREST IF A REQUEST FOR HIS EXTRADITION ACCOMPANIED BY THE DOCUMENTS SPECIFIED IN ARTICLE X SHALL NOT HAVE BEEN RECEIVED. HOWEVER, THIS STIPULATION SHALL NOT PREVENT THE INSTITUTION OF PRO-LIMITED OFFICIAL USE

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CEEDINGS WITH A VIEW TO EXTRADITING THE PERSON SOUGHT IF THE REQUEST IS SUBSEQUENTLY RECEIVED."

ARTICLE II

THIS SUPPLEMENTARY TREATY IS SUBJECT TO RATIFICATION AND THE INSTRUMENTS OF RATIFICATION SHALL BE EXCHANGED IN WASHINGTON AS SOON AS POSSIBLE.

THIS SUPPLEMENTARY TREATY SHALL ENTER INTO FORCE UPON THE EXCHANGE OF INSTRUMENTS OF RATIFICATION AND

SHALL CEASE TO BE EFFECTIVE ON THE DATE OF THE TERMINATION
OF THE 1970 TREATY.

IN WITNESS WHEREOF THE PLENIPOTENTIARIES HAVE
SIGNED THIS SUPPLEMENTARY TREATY AND HAVE HEREUNTO
AFFIXED THEIR SEALS.

DONE IN DUPLICATE, IN THE ENGLISH AND SPANISH
LANGUAGES, BOTH EQUALLY AUTHENTIC, AT MADRID THIS

... DAY OF ... ONE THOUSAND NINE

HUNDRED SEVENTY ...

FOR THE UNITED STATES OF AMERICA:

FOR SPAIN:

END ENGLISH TEXT.

5. BEGIN SPANISH TEXT.

TRATADO SUPLEMENTARIO DE EXTRADICION ENTRE
LOS ESTADOS UNIDOS DE AMERICA Y ESPANA
EL PRESIDENTE DE LOS ESTADOS UNIDOS DE AMERICA Y
EL JEFE DEL ESTADO ESPANOL ANIMADOS DEL DESEO DE HACER
MAS EFECTIVA LA COOPERACION DE LOS DOS PAISES EN LA
REPRESION DE DELITOS PRESTANDOSE LA MAXIMA ASISTENCIA
EN MATERIA DE EXTRADICION,

HAN DECIDIDO CONCERTAR UN TRATADO SUPLEMENTARIO
DE EXTRADICION PARA ENMENDAR EL TRATADO DE EXTRADICION
FIRMADO EN MADRID EL DIA 29 DE MAYO DE 1970, DE AQUI
EN ADELANTE REFERIDO COMO TRATADO DE 1970, Y A ESTE FIN
HAN NOMBRADO COMO PLENIPOTENCIARIOS SUYOS:

EL PRESIDENTE DE LOS ESTADOS UNIDOS DE AMERICA AL
EXCELENTISIMO SENOR

EL JEFE DEL ESTADO ESPANOL AL EXCELENTISIMO SENOR
..... LOS CUALES

DESPUES DE HABER CAMBIADO ENTRE SI SUS PLENOS PODERES,
HALLADOS EN BUENA DEBIDA FORMA, HAS CONVENIDO LO
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SIGUIENTE:

ARTICULO I

EL PARRAFO D DEL ARTICULO 11 DEL TRATADO DE 1970
ES ENMENDADO MEDIANTE LO SIGUIENTE: "LA PERSONA DETENIDA
EN VIRTUD DE ESTA SOLICITUD SERA PUESTA EN LIBERTAD SI,
DESPUES DE TRANSCURRIDOS CUARENTA Y CINCO DIAS DESDE EL
DE LA NOTIFICACION POR VIA DIPLOMATICA A LA EMBAJADA DE
LA PARTE REQUIRIENTE DE LA DETENCION DE AQUELLA, NO SE
HUBIERA RECIBIDO LA SOLICITUD DE EXTRADICION ACCOMPANADA
DE LOS DOCUMENTOS ESPECIFICADOS EN EL ARTICULO 10. SIN
EMBARGO, ESTA DISPOSICION NO IMPEDIRA LA INICIACION DE
UN PROCEDIMIENTO DIRIGIDO A LA EXTRADICION DEL RECLAMADO,
SI DICHA SOLICITUD SE RECIBE POSTERIORMENTE."

ARTICULO 2

ESTE TRATADO SUPLEMENTARIO ESTA SUJETO A RATIFICA-

CION, Y LOS INSTRUMENTOS DE RATIFICACION SERAN INTERCAMBIADOS EN WASHINGTON TAN PRONTO COMO SEA POSIBLE.

ESTE TRATADO SUPLEMENTARIO ENTRARA EN VIGOR DESPUES DEL INTERCAMBIO DE RATIFICACIONES Y CESARA EN LA FECHA DE TERMINACION DEL TRATADO DE 1970.

EN FE DE LO CUAL LOS PLENIPOTENCIARIOS HAN FIRMADO Y SELLADO ESTE TRATADO SUPLEMENTARIO.

HECHO POR DUPLICADO EN INGLES Y EN ESPANOL, SIENDO IGUALMENTE AUTENTICOS AMBOS TEXTOS, EN MADRID EL ... DE ... DE MIL NOVECIENTOS SETENTA Y ...

POR LOS ESTADOS UNIDOS DE AMERICA:

FOR ESPANA:

END SPANISH TEXT.

6. THE ENGLISH TRANSLATION OF THE SPANISH TEXT OF COURSE WILL BE IDENTICAL WITH THE FOREGOING EXCEPT FOR THE REVERSAL OF THE ORDER OF NAMES OF THE HEADS OF STATE AND PLENIPOTENTIARIES. SINCE I AM DEPARTING MADRID IN THE MORNING OF NOVEMBER 26, REQUEST ACTION ON THIS MATTER BE TAKEN AS SOON AS POSSIBLE.
RIVERO

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Disposition Case Number: n/a
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